

# STATE BOARD OF SUBSTANCE ABUSE AND MENTAL HEALTH

Minutes of March 6, 2008  
Hilton Salt Lake City Center  
Salt Lake City, Utah

## Attended:

### Board Members:

Dr. Michael Crookston, Chair  
Lou Callister  
Joleen Meredith

Dr. James Ashworth  
Darryl Wagner

### Staff:

Mark Payne  
Ron Stromberg  
Dave Felt

Dallas Earnshaw  
Brent Kelsey  
Jan Fryer

### Guests:

Sherri Wittwer  
Harold Morrill  
Juergen Korbanka

### Excused:

Paula Bell  
Nora B Stephens

AGENDA	DISCUSSION	RECOMMENDATIONS/ACTION
Welcome and Introductions	Dr. Crookston opened the meeting and welcomed those in attendance. Introductions were made.	
Approval of February 12, 2008 Minutes		Lou moved that the minutes of the February 12 <sup>th</sup> , 2008 Board meeting be approved as written. Motion seconded and approved unanimously.
Utah Behavioral Healthcare Network (UBHN) Report	<p>Harold Morrill reported for UBHN and indicated that nine applicants have applied for the Executive Director position for UBHN. A selection committee for the position will be developed and will include county commissioners, two staff from the Utah Association of Counties, and two UBHN Board members.</p> <p>UBHN is currently planning their annual spring retreat scheduled for March 26-28, in Springdale, Utah. A copy of the draft agenda for the meetings was distributed to the Board. Harold indicated that the Division is playing a major role in the retreat with the county commissioners and local authority staff.</p> <p>Harold mentioned that he talked with county commissioners in a recent meeting, and they are aware of the monies that were appropriated in conjunction with Senate Bill 211, Alcoholic Beverage Amendments. The bill appropriated \$1,589,100 to the Division of Substance Abuse and Mental Health. Harold noted that the county commissioners are very interested in providing input as to what types of programs will be developed and funded with this money.</p> <p>Harold expressed his appreciation to the State Division for their support and direction provided to UBHN during the transition over the past year. He noted that the strength of the Division greatly assisted UBHN through this difficult time.</p>	FYI.
Utah State Hospital	Dallas Earnshaw reported for the State Hospital and indicated that a physician recently retired at the State Hospital, and another physician has postponed his retirement and will continue working at the Hospital. The long-term care plan for nursing positions has been implemented and five nurses have	FYI.

AGENDA	DISCUSSION	RECOMMENDATIONS/ACTION
Utah State Hospital (continued)	<p>been hired. The State Hospital continues to work with colleges and universities to develop collaborative partnerships and training and recruitment to help with the pool of nurses to strengthen the psychiatric nurse training and curriculum which nurses receive.</p> <p>Dallas reported that as a result of the privatization bill sponsored by Senator Killpack, concerns were raised with the funding of the State Hospital's building replacement, and the request was not funded for design or construction. Dallas reported that \$700,000 was allocated for some building upgrades; however, the bids came in much higher than the allocation. Meetings will be held with Department administration to look at ways to address the problems and needs of the building. Dallas reported that the winter months in the building were very unsafe with daily problems of plumbing, leaks, heat going out and maintenance efforts needed on a daily basis throughout the winter. He also noted that the main water line also broke and it was necessary to shut off the water for a significant amount of time. He noted that the majority of the problems are during the winter, and preparation for next winter will need to begin, and it may be necessary to implement the interim plan and move people to other locations. Dallas expressed appreciation to the Board for all of their support and attention they have provided to the ongoing issues of the State Hospital.</p>	
Utah State Hospital Legislative Audit Update	Dallas reported that the Hospital is preparing for a follow-up audit around September on the recommendations made in the recent Legislative Audit and indicated that a strategic plan is in place to address those issues. Goals have been incorporated into the plan as well as the Joint Commission survey, and the Hospital will be working on quality improvement projects to continue improving the services provided. Dallas reported that through all of the distractions with privatization issues and the recent legislative audit, that staff at the State Hospital has been able to stay focused, motivated and keep on task. Dallas indicated that the strategic plan and goals will consistently be addressed to assure that the delivery of services continues to improve.	FYI.
Final Report on 2008 Legislature	A 2008 legislative summary was distributed and reviewed. Mark updated the Board on the details of the interim study item to study and evaluate the possible privatization of the State Hospital by July 1, 2009. There was a lengthy discussion by the Board and concerns were expressed about the process outlined in the study item. A major concern expressed by the Board was the portion that stated that requests for information from private providers would be issued and a private consultant would be hired to determine if the items listed in the interim study could be accomplished at funding levels authorized to the State Hospital in fiscal year 2009. The Board expressed strong interest in having input into this process as well as the Division and other resources of the state. Mark indicated that the study item will be assigned out by the Legislative Management Committee. The Board discussed possible next steps to assure their involvement and a fair process.	The Board requested that when the Division has more information about the process for the State Hospital study item that they provide it to the Board. The Board also requested that the Division staff provide them with the names of the Legislative Management Committee in order to make personal contacts and to consider sending a letter outlining their concerns.
Determine Administrative Rules Process	Mark reported that a couple of years ago, the State Board directed that a Committee be developed for the purpose of reviewing all of the administrative rules for mental health and substance abuse. Stakeholders from throughout the system participated, and Nora B represented the Board on the Committee. Mark indicated that it has become necessary to review the rules again, and that an effort will also be made to restructure the mental health and substance abuse rules so that they are more organized and functional. Mark asked for feedback from Board members on the process for reviewing the rules. Dr. Ashworth suggested that before the Board is expected to make a decision on a rule, that he would prefer a process where the Board receives the rule under review, any proposed	

AGENDA	DISCUSSION	RECOMMENDATIONS/ACTION
	<p>changes, recommendations, pros and cons, etc. In response, Ron Stromberg suggested that Division staff could be responsible to initially review the rules. They would then be mailed out to all stakeholders in the system and other interested parties with a request that they provide their feedback, in writing, to the Division within the timeframe identified. Division staff would then process the feedback and present a proposal to the Board at their monthly meetings. All rules would be put on the Board agenda which would allow for any further public comment. The Board would then act on the rule and if approved, the Division would proceed with the rulemaking process. There was discussion by the Board and they expressed concurrence with Ron's suggestion</p>	<p>Dr. Ashworth moved that the Board dissolve the previous Rules Committee that was in place. The new process will include an initial review of the rules by Division staff, as well as the Department's Legal Counsel. A proposal in the form of an executive summary would then be presented to the Board and include any comments received and specific recommendations. Motion seconded by Lou and passed unanimously.</p>
Fee Schedule	<p>Dave Felt, Division's Program Administrator informed the Board on issues related to the fee schedule and indicated that at some point, it may require resolution by the Board. Dave indicated that since the Drug Court and DORA funding process has been in place, there have been problems in terms of fees and fee policies, particular in the criminal justice area. He noted that the concerns include questions about whether the policies are fair and equitable and also possible issues with double billings, etc. Dave indicated that the concerns are such that it is important that the fee schedule and policies be reviewed and addressed. Dave referred to the existing statute and current rule regarding fees and fee structure. It has been determined that different fee schedules do exist and there are significant variations. Dave explained some of the differences with the various fee schedules and part of the rules and statute that are not being adhered to. He reported that at this point, the issues are just an information item for the Board. However, the issues will be discussed at the upcoming UBHN retreat, and recommendations will eventually be brought to the Board for action.</p>	FYI.
Adjournment		<p>Lou moved that the meeting be adjourned. Motion seconded by Dr. Ashworth and approved unanimously.</p>